

Amendments to the drawings,

There are no amendments to the Drawings.

Remarks

Status of application

The Applicant is grateful of the Examiner's indication that claims 1-35 are allowable over the prior art. The Examiner has indicated a double patenting rejection, as discussed below. Reconsideration or clarification of the rejection is respectfully requested.

Double patenting rejection

Citing MPEP Section 822 (and using Form Paragraph 8.29), the Examiner has indicated that claims 1, 16, and 31 conflict with claims 1, 16, and 31 of Application Serial No. 09/562,523. Section 822 is directed to "claims to inventions that are not distinct in plural applications of same inventive entity." During prosecution of the '523 application, claims 16-35 in that case were canceled, thus removing the rejection as to those claims. Therefore, the following comment is directed to claim 1 in the respective cases.

According to MPEP Section 822, the rejection and Form Paragraph "should be used when the conflicting claims are identical or conceded by applicant to be not patentably distinct." It is respectfully submitted that claim 1 of the present application and claim 1 of the '523 are not identical and have never been conceded by Applicant to be not patentably distinct.

Regarding whether the claims are identical, attached herewith as Attachment #1 is a redline markup copy of claim 1 of the present application compared to claim 1 of the '523 application, using the stock output provided by the redline comparison feature built into OpenOffice Writer. As shown by the attachment, the two claims are substantially different. (Claims 16 and 31 of the present case similarly have little correlation to claim 1 of the 523 application.)

Regarding whether the claims have been conceded by Applicant to be not distinct, Applicant has not given any indication to the Office that the two claims are not patentably distinct. Instead, Applicant believes the two claims to be patentably very distinct. Claim 1 in the present case is directed to "a method for sending an e-mail message using a secured connection that employs encryption." Claim 1 in the '523 case, on the other hand,

is directed to a very different method: "a method for determining whether to approve relaying of e-mail received from a roaming user." As a result, the two claims have different elements. For example, claim 1 in the '523 case includes claim elements directed to "relaying" in accordance with Applicant's invention. Claim 1 in the present case, in contrast, is not directed to "relaying" and therefore makes no mention of that in any of its claim elements.

If instead the Examiner is intending to enter an obviousness-type double patenting rejection, clarification is respectfully requested. However, in view of the fact that the two "conflicting" claims are directed to two fairly different methods as described above and have very different wording (as indicated by the attached redline copy), it is respectfully submitted that the claims are patentably distinct and do not warrant an obviousness-type double patenting rejection either.


Conclusion

In view of the foregoing remarks, it is believed that all claims are in condition for allowance. Hence, it is respectfully requested that the application be passed to issue at an early date.

If for any reason the Examiner feels that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 408 884 1507.

Respectfully submitted,

Date: January 3, 2005

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